

Prior law defined the crime of pornography involving juveniles as the following:

- (1) The photographing, videotaping, filming, or otherwise reproducing visually of any sexual performance involving a child under the age of 17.
- (2) The solicitation, promotion, or coercion of any child under the age of 17 for the purpose of photographing, videotaping, filming, or otherwise reproducing visually any sexual performance involving a child under the age of 17.
- (3) The intentional possession, sale, distribution, or possession with intent to sell or distribute, of any photographs, films, videotapes, or other visual reproductions of any sexual performance involving a child under the age of 17.
- (4) The consent of a parent, legal guardian, or custodian of a child under the age of 17 for the purpose of photographing, videotaping, filming, or otherwise reproducing visually any sexual performance involving the child.

Prior law defined the following terms: "sexual performance", "performance", "sexual conduct", and "promote".

Prior law penalties for pornography involving juveniles included:

- (1) Imprisonment at hard labor for two to 10 years and a fine of not more than \$10,000.
- (2) When the offense involved the solicitation, promotion, or coercion of a child under the age of 13, the penalty includes imprisonment at hard labor for 25 to 99 years, with at least 25 years to be served without benefit of probation, parole, or suspension of sentence.

New law substantially redefines the crime of pornography involving juveniles.

New law amends the definition of "sexual performance", defines the terms "access software provider", "cable operator", "distribute", "interactive computer service", "pornography involving juveniles", "produce", and "telecommunications service", and deletes the definitions of "performance", "sexual conduct", and "promote".

New law amends prior law penalties of pornography involving juveniles as follows:

- (1) A maximum fine of \$10,000 and imprisonment at hard labor for two to 10 years for possession.
- (2) A maximum fine of \$10,000 and imprisonment at hard labor for five to 10 years for distribution or possession with the intent to distribute.
- (3) A maximum fine of \$10,000 and imprisonment at hard labor for five to 20 years for any parent, legal guardian, or custodian of a child who consents to the participation of the child in pornography involving juveniles.
- (4) A maximum fine of \$15,000 and imprisonment at hard labor for 10 to 20 years for the production of pornography involving juveniles.

New law amends prior law penalties when the victim is under the age of 13 as follows:

- (1) Imprisonment at hard labor for not less than 1/2 the longest term nor more than twice the longest term prescribed for committing the underlying crime of possessing, distributing, or possessing with the intent to distribute. The sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (2) Imprisonment at hard labor for 25 to 99 years, with at least 25 years served without benefit of probation, parole, or suspension of sentence, for the production of pornography involving juveniles.

- (3) Upon completion of the term of imprisonment imposed, the offender shall be electronically monitored by DPS&C for the remainder of his natural life.

New law provides an exception for providers of interactive computer services, providers of telecommunications services, and cable operators.

Effective August 15, 2010.

(Amends R.S. 14:81.1(A), (B), (C), and (E); Adds R.S. 14:81.1(H))